

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2008 Legislative Session

**Legislative Day No. 3
March 3, 2008**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:30 p.m.

Courtney Watson, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present. Sheila Tolliver; Administrator to the County Council; Margaret Nolan, County Solicitor; Jim Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 2, February 4, 2008. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the journal was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the following minutes. Her motion was seconded by Ms. Sigaty.

Legislative Public Hearing – February 19, 2008

Legislative Work Session – February 25, 2008

The roll call vote called by the Chairperson to approve the minutes was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed. (See attached.)

AMEND AGENDA

Council Bill No. 16-2008 (ZRA-94) – Introduced by the Chair at the request of Emelia's Acrobatics, Gymnastics and Cheerleading - AN ACT amending the Howard County Zoning Regulations to permit athletic centers in the CE zoning district by right in certain circumstances; and generally relating to athletic centers.

The Chairperson moved to suspend the rules to allow introduction of Council Bill No. 16-2008 that was not prefiled. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to suspend the rules passed.

The Chairperson moved to remove Council Resolution No. 11-2008 and Council Resolution No. 13-2008 from the table. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to remove Council Resolution No. 11-2008 and Council Resolution No. 13-2008 from the table passed.

INTRODUCTION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution No. 23-2008 – Confirming the appointment of Ricky Bauer to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board

A RESOLUTION confirming the appointment of Ricky Bauer to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution No. 24-2008 – Confirming the appointment of Jerry E. Seals, M.D. to the Equal Business Opportunity Commission

A RESOLUTION confirming the appointment of Jerry E. Seals, M.D. to the Equal Business Opportunity Commission.

Council Resolution No. 25-2008 – Confirming the appointment of Maurice Simpkins to the Housing Commission

A RESOLUTION confirming the appointment of Maurice Simpkins to the Housing Commission.

Financial

Supplementary Budget & Appropriation Ordinance No. 9-Fiscal 2008 - Transferring \$9,100 from the Grants Fund, Contingency Reserve to the Circuit Court to purchase a collection of self-help materials, to pay for advertising and equipment costs, and to provide five hours a week of legal assistance to walk-in, self-represented litigants

AN ACT transferring \$9,100 from the Grants Fund, Contingency Reserve to the Circuit Court to purchase a collection of self-help materials, to pay for advertising and equipment costs, and to provide five hours a week of legal assistance to walk-in, self-represented litigants.

General

Council Bill No. 13-2008 – Changing the designation of the collector of recordation tax from the Clerk of the Circuit Court for Howard County to the Director of Finance; providing for the application of this Act; and generally related to the Department of Finance

AN ACT changing the designation of the collector of recordation tax from the Clerk of the Circuit Court for Howard County to the Director of Finance; providing for the application of this Act; and generally related to the Department of Finance.

Council Bill No. 14-2008 – Creating a Howard County Other Post-Employment Benefits Trust; setting forth certain qualifications under the Internal Revenue Code; defining certain terms; setting forth the purpose and scope of the Trust; setting forth the contents and conditions of the Trust; creating a Board of Trustees to administer the Trust; providing for certain powers, duties, and responsibilities of the Board; providing for certain waivers of liability; imposing certain ethical obligations; providing that certain purchases are exempt from certain requirements; allowing certain contributions; allowing for the participation and termination of Employers under certain conditions; allowing for the amendment and termination of the Trust; and generally relating to Other Post-Employment Benefits in the County

AN ACT creating a Howard County Other Post-Employment Benefits Trust; setting forth certain qualifications under the Internal Revenue Code; defining certain terms; setting forth the purpose and scope of the Trust; setting forth the contents and conditions of the Trust; creating a Board of Trustees to administer the Trust; providing for certain powers, duties, and responsibilities of the Board; providing for certain waivers of liability; imposing certain ethical obligations; providing that certain purchases are exempt from certain requirements; allowing certain contributions; allowing for the participation and termination of Employers under certain conditions; allowing for the amendment and termination of the Trust; and generally relating to Other Post-Employment Benefits in the County.

Council Bill No. 15-2008 – Amending certain definitions; amending the amount and clarifying the enforcement of the mobile home park refuse collection charge; clarifying the fee for the collection of excess refuse; amending the refuse collection charge assistance program to clarify that the Department of Finance shall administer the program and to amend the amount of the credit; making certain technical corrections; and generally related to refuse collection charges in Howard County

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collection of excess refuse; amending the refuse collection charge assistance program to clarify that the Department of Finance shall administer the program and to amend the amount of the credit; making certain technical corrections; and generally related to refuse collection charges in Howard County.

Council Resolution No. 26-2008 – Pursuant to Section 4.201 of the Howard County Code authorizing the County Executive to grant a storm drainage and utility easement and an ingress, egress and maintenance easement on property owned by the County at the Savage Community Park to Savage Mill Remainder, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easements if he finds that the land may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code authorizing the County Executive to grant a storm drainage and utility easement and an ingress, egress and maintenance easement on property owned by the County at the Savage Community Park to Savage Mill Remainder, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easements if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Council Bill No. 16-2008 (ZRA-94) – Introduced by the Chair at the request of Emelia's Acrobatics, Gymnastics and Cheerleading - AN ACT amending the Howard County Zoning Regulations to permit athletic centers in the CE zoning district by right in certain circumstances; and generally relating to athletic centers.

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FINAL CONSIDERATION

The Chairperson moved to adopt the following legislation:

Consent

Council Resolution No. 11-2008 - Confirming the appointment of Elizabeth Singer to the Environmental Sustainability Board (Tabled 02/04/08)

Council Resolution No. 13-2008 – Confirming the appointment of Ned Tillman to the Environmental Sustainability Board (Tabled 02/04/08)

Council Resolution No. 18-2008 – Confirming the appointment of Franklin V. Eastham, Jr. to the Human Rights Commission

Council Resolution No. 19-2008– Confirming the appointment of Cathy Hudson to the Environmental Sustainability Board

Council Resolution No. 21-2008 – Confirming the reappointment of Ann M. Geddes to the Board of Directors of the Howard County Mental Health Authority

Council Resolution No. 22-2008 – Confirming the reappointment of Ann T. Wicke to the Board of Directors of the Howard County Mental Health Authority

Council Bill No. 11-2008 – Amending an uncodified section in Council Bill No. 14-2007 that required certain connections to the Planned Service Area for water and sewer within a certain time in order to extend the time to make the connections

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the consent legislation was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolutions No. 11-2008, No. 13-2008, No. 18-2008, No. 19-2008, No. 21-2008, No. 22-2008 and Council Bill No. 11-2008 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2008 – Transferring \$68,000 from the Grants Fund, Contingency Reserve to the Circuit Court for a grant to purchase and install surveillance cameras and door security hardware

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2008 passed.

Supplementary Budget & Appropriation Ordinance No. 8-Fiscal 2008 – Transferring \$48,838 from the Grants Fund, Contingency Reserve to the Department of Police for the “E-Citation Initiative/Going Green Through Technology” grant

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No.8-Fiscal 2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Supplementary Budget & Appropriation Ordinance No. 8-2008 passed.

General

Council Bill No. 5-2008 (ZRA-92) – Introduced by The Chair at the request of G.A. Mullinix and Associates - Amending the Howard County Zoning Regulations to permit banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions in the CCT zoning district by right in certain circumstances; and generally relating to banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutional uses *(Tabled 02/04/08)*

The Chairperson moved to remove Council Bill No. 5-2008 from the table. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to remove Council Bill No. 5-2008 from the table passed.

Council Member Ball moved to extend the life of Council Bill No. 5-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to extend the life of Council Bill No. 5-2008 passed.

Council Member Gox moved to table Council Bill No. 5-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to table Council Bill No. 5-2008 passed.

Council Bill No. 8-2008 – Introduced by Courtney Watson and at the request of the County Executive/Co-sponsored by: Greg Fox, Jennifer Terrasa, and Calvin Ball - Allowing certain banners on playing fields at certain times and generally relating to public signs

The Chairperson moved to adopt Council Bill No. 8-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 8-2008 as follows: *(This amendment clarifies that any entity that operates and maintains an athletic playing field used by youth sports teams may display temporary banners.)*

On page 1, in line 1, strike “ORGANIZATION” and substitute “ENTITY”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 8-2008 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 8-2008 as follows: *(This amendment limits the height of banners and prohibits illumination.)*

On page 2, in line 10, after “FIELD.” Insert “THE TOP OF THE BANNER SHALL NOT BE OVER 8 FEET ABOVE THE GROUND. NOTWITHSTANDING § 3.508 OF THIS SUBTITLE, A BANNER SHALL NOT BE ILLUMINATED.”

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 2 to Council Bill No. 8-2008 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 8-2008 passed as amended.

Council Bill No. 9-2008 – Introduced by Greg Fox & Courtney Watson - Requiring the Purchasing Agent to develop and operate a specified website that includes specified information for certain County expenditures; specifying certain parameters of the website; providing that certain provisions of law may not be construed to require the disclosure of certain information exempt from disclosure under federal, State, or County law; and generally relating to providing searchable purchasing information to the public

The Chairperson moved to adopt Council Bill No. 9-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 9-2008 as follows: *(This amendment clarifies that the database need not contain information that the County does not routinely maintain, clarifies certain terms and clarifies that 2010 data will be included in the database if practicable.)*

On page 1, after line 34, insert:

“(III) “COUNTY AWARD” SHALL MEAN A SINGLE AWARD AND NOT AN AGGREGATED AWARD.”

On page 3, strike in their entirety lines 1 and 2 and substitute:

“(E) THIS SECTION DOES NOT REQUIRE DISCLOSURE OF ANY INFORMATION THAT:

(1) THE COUNTY DOES NOT ROUTINELY OBTAIN; OR

(2) IS EXEMPT FROM DISCLOSURE UNDER COUNTY, STATE, OR FEDERAL LAW.”

On page 3, in line 6, strike “include” and substitute “include, if practicable.”

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 9-2008 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.
Council Bill No. 9-2008 passed as amended.

Council Bill No. 10-2008 –Amending and adding certain notice requirements related to the sale of rental housing; and generally related to the sale of multifamily dwelling units in Howard County

The Chairperson moved to adopt Council Bill No. 10-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 10-2008 as follows: *(This amendment adds that the owner must also provide notice to the Department of Inspections, Licenses and Permits.)*

On page 1, in line 28, strike “AND”.

On page 1, after line 28, insert:

“(3) TO THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS BY FIRST CLASS MAIL; AND”

On page 1, in line 29, strike “(3)” and substitute “(4)”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.
Amendment No. 1 to Council Bill No. 10-2008 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.
Council Bill No. 10-2008 passed as amended.

Council Bill No. 12-2008 – Reorganizing the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter; creating an Office of Environmental Sustainability within the Department of County Administration; amending the duties and responsibilities of the Chief Administrative Officer; setting forth the duties and responsibilities of the Office of Environmental Sustainability; setting forth the general qualifications of the Administrator of the Office of Environmental Sustainability; providing that the Administrator of the Office of Environmental Sustainability will be an executive exempt position appointed by the Chief Administrative Officer with the approval of the County Executive; and generally relating to the Executive Branch of County government

The Chairperson moved to adopt Council Bill No. 12-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.
Council Bill No. 12-2008 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 7:54 p.m.

CLOSED MEETING

The County Council met in closed session at 8:02 a.m. on February 11, 2008 as provided in the Annotated Code of Maryland, State Government Article, Section §10-508(a)(1) which permits closed sessions to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the Council has jurisdiction.

Council Members Calvin Ball, Mary Kay Sigaty, and Courtney Watson were present. Sheila Tolliver, Administrator to the Council was also present. Council Members Greg Fox and Jennifer Terrasa were absent.

The Chairperson motioned to close the session. Her motion was seconded by Mr. Ball. The roll call vote called on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson The motion to conduct the closed meeting passed.

The closed meeting was adjourned at 8:14 a.m.

TABLED LEGISLATION

Council Bill No. 5-2008 (ZRA-92) – Introduced by The Chair at the request of G.A. Mullinix and Associates - Amending the Howard County Zoning Regulations to permit banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions in the CCT zoning district by right in certain circumstances; and generally relating to banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutional uses (*Tabled 02/04/08*)
(*Life extended 03/03/08*)
